

Industry: **Big Ox Energy Siouxland, LLC**  
Address: **1617 D Avenue**  
**Dakota City, NE 68731**  
IU Permit No.: **2016-31-I**

**City of Sioux City, Iowa**  
**Industrial Pretreatment Program**

**LEGAL AUTHORITY**

The following findings are issued and ordered pursuant to the authority vested in the Utilities Director of the City of Sioux City, Iowa, under Title 13 of the Sioux City Municipal Code "Sewers". This order is based on findings of violation of the conditions of the wastewater discharge permit issued under Sect. 5.7 of the City's Title 13 of the Sioux City Municipal Code "Sewers".

**FINDINGS**

1. **Big Ox Energy Siouxland** discharges nondomestic wastewater containing pollutants into the sanitary system of the City of Sioux City, Iowa (the "City").
2. **Big Ox Energy Siouxland** is a "Significant Industrial User" as defined by Ch 13.07.020 (24) of Title 13 of the Sioux City Municipal Code "Sewers".
3. **Big Ox Energy Siouxland** was issued a wastewater discharge permit on **May 1, 2016** which contains prohibitions, restrictions, and other limitations on the quality of the wastewater it discharges to the sanitary sewer.
4. Pursuant to the ordinance and the above-referenced permit, data is routinely collected or submitted on the compliance status of **Big Ox Energy Siouxland**.
5. This data shows that **Big Ox Energy Siouxland** has violated its wastewater discharge permit by discharging in excess of 122,000 lbs/day of TSS which exceeds the design criteria for TSS at the POTW (69,676 lbs/day) per the following authority:
  - a. **Failure to Notify of a changed condition** per General Permit Condition #6 of the IU permit.
  - b. **Interference to the WWTP** due to excessive loading as documented above and as prohibited in City Code 13.07.040.3.a.
  - c. **Discharging wastes that exceed the design capacity of the POTW** per page 12 of the City's NPDES Permit (#97-78-0-01).
  - d. **Per 13.08.090**, causing interference, failure to pay sewer charges, and failure to appropriately operate the pretreatment system are considered a violation of the City's Sewer Use Ordinance and punishable under Section 1.04.100 of Sioux City Code.
  - e. **Bypass of Pretreatment Facilities** which is required by Enforcement Response Plan, Table V, Item 2 prohibits bypass.
  - f. All of these violations satisfy the City's definition of Significant Noncompliance as defined in 40 CFR Part 403.8 (f)(2)(viii).


**ORDER**

**THEREFORE, BASED ON THE ABOVE FINDINGS, Big Ox Energy Siouxland IS HEREBY ORDERED TO:**

1. Within **5** days, install or repair and maintain pretreatment technology which will adequately treat **Big Ox Energy Siouxland's** wastewater to a level which will comply with the design capacity of the City's POTW. The average TSS discharged from your facility shall not exceed 48,509 lbs/day as a maximum daily load. Note that this is an interim requirement and a lower limit will be required in the future.
2. Within **10** days, submit a compliance report which summarizes operations demonstrating effective operation of the pretreatment system. The City reserves the right to inspect pretreatment facilities as part of the compliance determination.
3. Within **10** days, submit the surcharge fee for the April billing including any late fees.
4. Monthly monitoring reports and any City-collected samples shall demonstrate compliance.
5. Payment of fine of **\$30,000** to **Sioux City** for the above-described violations in accordance with Sect. 10.7 of Title 13 of the Sioux City Municipal Code "Sewers" for being in violation of the monthly average loading to the City's POTW. Fine will be assessed on the following month's surcharge invoice.
6. The IU Permit for your facility will be re-issued to incorporate at a minimum the following changes: compliance order requirements and specify reporting deadlines for monthly monitoring permits.
7. All reports and notices required by this order shall be sent, in writing, to the following address:

Utilities Director  
City of Sioux City, Iowa  
405 6<sup>th</sup> Street  
Sioux City, Iowa 51102
8. This order does not constitute a waiver of the wastewater discharge permit with remains in full force and effect. The City of Sioux City, Iowa reserves the right to seek any and all remedies available to it under 13.07.110 of the Title 13 of the Sioux City Municipal Code "Sewers" for any violation cited in this order.
9. Failure to comply with the requirements of this order shall constitute a further violation of Title 13 of the Sioux City Municipal Code "Sewers" and may subject **Big Ox Energy Siouxland** including termination of discharge authorization and civil or criminal penalties.

**SIGNATORY AUTHORIZATION**

  
**Mark Simms**  
Utilities Director, City of Sioux City, Iowa

June 29, 2018

Date of Authorization